

MARCUS HEMPHILL #463024
1724 St Rt. 728
Lucasville Ohio 45699

Plaintiff

/ CASE NO.

1:18CV497

A. BLACK

MJ. LITKOVITZ

v.
State of Ohio et al (ODRC)

770 WEST BROAD Street
Columbus OHIO 43215

Defendants

2018 JUL 23 PM 1:16

- Relief For State Claims IN Court of Claims
 - Negligence, mental anguish, emotional distress, malpractice harassment, discrimination 200,000 dollar demand for damages
 - Preliminary Injunctions for Immediate transfer to another prison
 - Relief Federal Court U.S. District Claims
 - Excessive Use of Force, Cruel and Unusual Punishment 14th Amendment U.S Constitution, Conditions of Confinement Title II ADA 1.5 million dollar demand
 - Injunctive Relief to not be housed at SCF anymore
- This is an OFFICIAL CAPACITY CLASS ACTION SUIT ON ALL INNUMERABLE STATE ACTORS OF OHIO DEPT OF REHABILITATION & CORRECTIONS.

— MOTION FOR STIPULATING DISCOVERY —

The defendants have proven untrustworthy and to prosperify prevent delay in discovery, I request that all discovery be timely submitted within two months after the Court schedules deadlines for discovery and dispositive motions. My request includes but is not limited to:

1) Copies of Marcus Hemphill 463024 inmate records of transfer documents of institutional complaints (ICR) Kites to DWO, Kites to INST Inspectors R.I. Bandie R.I.B decision appeals, drug test results, all drug test recommendations via supervisor.

- 2) Copies of all medical records. The time frame is January 1, 2017 through the present
- 3) All video footages of these multiple drug test also the video footage in which Marcus Hemphill was maced by the officers in his cell recklessly by the staff actors also any video recordings between these matters of January 1, 2017 through present.
- 4) Personal file of Lt Baners, Lt Broughton, Lt Haywood Lt Baggs, C.O. Hole C.O. Scott, and Deputy Warden Cool, including any and all disciplinary matters since beginning of employment with ODRC
- 5) Protocol related to ODRC use of force to Investigations;
- 6) ODRC regulations and protocol relating to compliance with Americans with Disability Act.

(OFFICIAL CAPACITY CLASS ACTION COMPLAINT)

The state has a duty to protect and fails to do so. Between Jan 2017 and this very day I've been a victim of ongoing harassment that consists of falsified Conduct reports fixed to my detriment, false drug test results, constant strip searches, excessive isolation, bias R. I. B guilty findings in order to perpetuate me being restricted of rights and privileges including visit, commissary, medical and phone to promote a cruel and unusual source of punishment. These malicious tactics have imposed a decline on my health and sanity. The defendants are very well that I have severe leg & circulation damage and without the proper property such as shoes to compress the swelling that the plaintiffs legs & feet would swell and cause major pain. I must be provided a way to elevate my leg there's no way to do such, thing is all dept administrators & medical staff are aware of these chronic care issues.

This is being done in line of trying to get me to comply with being a prison informant & to torture me if I don't which will cause me pain and suffering. Now my leg is seriously damaged and the swelling is ceasless. I have accumulated serious migraines, my eyes hardly open due to the 24 hr illuminated isolation cells and my chronic pain issues and circulation issues & disease. ADA Amendments Act of 2008 PubL. No 110-325 section 3122 statue 3553, 3555 (2008). Since my arrival here in Oct 2016 I have not been rightfully found in possession of drugs and apparently its been deemed OK to plant drugs & falsify urine test and conduct reports regarding drugs and other contraband. I have been urine tested atleast 15-20x's since my arrival and never once failed for honestly possessing drugs in my system or on my physical possession. Knowing the urine sample test are not 100% accurate I still don't believe they were inaccurate I believe that I was blatantly victimized to negligence due to malicious intent. I've been victimized and harassed via searches including over 20 strip searches 30+ cell searches and atleast 100x's frisked and patted down either on my way or exiting my cell location with one search leading me to contact PREA (PRISON RAPE ENFORCEMENT AGENCY) from being attacked sexually under lined as a random search where officer handless caressed & rubbed my chest telling me I'm soft as butter. I've been unlawfully isolated over 4x's and two times sent to LPHU (limited privilege housing unit); all on false pretenses. Lt Stone, C.O. Watson and C/O Andre that if I wouldn't be an informant they would say I failed a drug test for meth. They refused to allow professional lab review of this accusation. C/O Hale & C/O Scott were sent numerous times to harass me via strip search urine test and verbally intimidate me as a special indictment annex of sort. After the false "meth" urine test used to forgo jurisdiction of punishment I continue to pass all after the falsified meth test date report. On Aug 12th 2017 about 2am, I was abruptly awoken out of my sleep as Lt Broughton and Lt Boggs dispersed a giant can of mace into the door hatch of the closed cell in which I was able to see them milliseconds before the burning sensation caused me to scream in agony and

clench for air. On Aug 14th around 8pm 2017 I was informed I was needed for medical care at the infirmary. I was surprised when the travel actually landed me in the shift commanders office. Lt Bauer and Lt Haywood maliciously greeted me into an interrogation type room. They informed me they knew that I never possessed meth in my system to cause me pain so I would help them do an investigation. They said it was normal for the supervisors to promote such tactics for the gain of knowledge and information. They asked me to do undercover work or if I possessed information on a officer Kennison in L8 and if checked out I would be privileged with going to any prison I asked by the power of request transfer from the Investigator and also erase my false conduct report for the positive meth incident. I've never tested positive for meth and I refused to ^{enter into} ~~obtain~~ their gestures and reckless advice. On Aug 16 2017 Came to tell me that I was needed in the mini infirmary at this time I was still under 24hr isolation cause I didn't agree to do undercover work for Lt Bauer & Lt Haywood. I refused to go to the mini infirmary in the isolation area fearing what transpired last time on the 14th as above mentioned C.O. Holbrook told me it was mandatory so I was cuffed and shackled and led to the mini infirmary where I was met by Investigator Charles Miller and multiple other men whom 2 of the 3 looked familiar. I was reacquainted with two Investigators from my previous institution Ross Correctional Institution the other was a Highway Patrol Officer. They began to threaten me to help them I told them I want out of the room & was sent back to the 24hr isolation to resume punishment for not joining them. On Aug 21st 2017 2pm while housed in LPHU which was a greater punishment than regular population but lesser than complete isolation I was just in at J2 still being punished for not being an informant I was informed that I was needed at the infirmary again. I had been previously warned and advised of the brutality that precedes to refusal at first instance, so I went. Sure enough it was another forced harassment/interrogation tactic regarding the same series of questions. I told him several other officers have tried to ask me

the same questions promising me a transfer and the promise to clean my record from the conduct report. I chose to decline and walked away. On Aug 23rd I was urine tested again and passed the results were negative - I was attending rec on Oct 21st after being released from LPHU on the 18th when C.O Hale appeared and ordered to give me a urine test. I did and again I passed before I was allowed to leave. C.O Scott pulled out a substance saying he could make my urine positive both C.O's giggled while telling me I could leave. When I returned back to my cell L8 cell 49 I noticed my property was thrown around disastrously. On Oct 28th 2017 while still in L8 I was taking a shower in shower #9 around 7pm C.O's Scott & Hale told me to get out the shower I was escorted to my cell L8 36 and told to get dressed and come with them to take a urine test (which was strange cause I've taken multiple urine test in my cell). I was escorted to another strange location like the infirmary visits. I took a urine test and again passed no trace of drugs after that C.O Scott and Hale looked at each other C.O Scott then asked the knife or the K2 & said neither C.O Hale then told C.O Scott that I wasn't a bad dude and I'm not a problem so just say we found K2 and from their officer Scott handcuffed me and I was escorted to the shift commander's office where Lt Bauer lead me to the back in this little interrogation/holding cell and bluntly said give me Kemmison or Ms Morphy I replied I know nothing about them he got upset and told me how he knew those staff members were bringing drugs into the facility and I said I have no knowledge. They advertised the go to lower security bribe and I would not be mentioned nobody will know they already have info & if I got some of their personal contact info I could just repeat it over the phone I said I didn't want anything to do with this I wish to just be left alone and he said that won't happen where gonna get you to help us or your stay will be miserable. I was once again escorted to J2 in isolation cell 23 for 39 days which is against the law under the Restucked Housing Code. I wrote Kites

to every department I could from mental health to Preen informing them of what transpired. On March 13 12²⁰¹⁸pm I was sitting in my cell L848 when C.O Lane asked me to turn my TV down I did & she left & came back and asked me what was on my desk top I said coffe in a coffe cup a paper towel where I wiped the coffe up she told me to give her the paper towel I did she left and came back with Lt Haywood and I was told I was going to J2 isolation for possession of drugs for having a paper towel with coffee on it well while I was back in isolation there where numerous inmates back their for wrongful drug possessions and urine test. we where told the prison was under pressure by the staff to crack down on drugs on ~~March~~ March 20th 2018 I went to R.I.B and was found Not guilty of the possession of drug when it was never any indication that a paper towel with spilled coffee could be. Just another form of harassment, negligence, Inappropriate supervision, malicious conduct. On June 10th 2018 I was ordered to take a urine test by Lt Haywood & Lt Bowers after seeing me go to get my medication they said I looked to be intoxicated I took the urine test passed but falsely C/O Hale said I failed which was impossible I was told to sign and initial the paper so I could get it sent out. In my 15 plus years of incarceration I've never been accused of failing for such combinations of drugs. Never have I ~~failed~~ failed for using Saboxone I never used a Saboxone. My friends and family kept calling once they found out what happend due to being aware of this non stop harassment & to prevent further injury or decline to my health & happiness because of my disability. STC Denny was sent to retest me from the orders of the Deputy Warden on June 19th 2018 I passed which would be impossible to "look High" as the conduct report said on June 10th to be negative of marijuana & Saboxone the combination C/O Hale falsely accused me of. DVR, Video & Audio tape recording documents etc are available for proof. In fact I was falsely charged for having Saboxone

Dec 8th of 2017 but once they realized I had proof to debunk their claim they hurried up and closed the case to get me to keep hush which sadly I did keep hush but they took a picture of a piece of saboxone they recovered off inmate Dustin Bloomfield the day before & used it as evidence as if it was found on me as well but he spoke up and they closed the case. Ms. Mahma the institutional inspector is in charge of grievance procedures and she fails to send me a grievance so I can complete and exhaust all my remedies. I'm losing sleep due to this harassment and it's ongoing. Now I'm forced to refuse lock because I fear for my life and cause I stated that to the R.T.B. chairman & the Unit Manager Oppy they refuse to give me the necessary property to help with my health. Ohio R.C. Section 2743.02(A)(1) provides that the teaming waiver is void because the officers are doing this with malicious purpose. I'm taking the Federal Claim to Federal Court and the State Claim to State Court but at this time there is no connected action of this case. I also fear that filing this claim will result in a future more aggressive form of retaliation where I maybe physically injured. The filing of this claim alone may cause imminent danger to my quality of life.

Verification

Under the penalty of perjury I state I depose that all information provided here is in true and current and none based on belief

Executed at: Lucasville, Ohio 45699
County Date of July 18th 2018. Marcus Hemphill 463024

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Lucasville Ohio 45699